

AMENDMENT UNDER 37 CFR 1.115  
U.S. SER. NO. 08/238,405

III. In the seventh full paragraph on page 2 of the Office Action, claims 64-69 were rejected over claims 1-21 of U.S. Pat. No. 5,359,046.

Attached hereto is an unexecuted copy of a Terminal Disclaimer, the executed document will be filed as soon as possible.

IV. On page 3 of the Office Action, the specification was objected to and claims 60 and 61 were rejected under 35 USC 112, first paragraph. The Examiner raised an issue as to claim 60.

The objection and rejection are traversed for the following reasons.

The instant application teaches at page 12, full paragraph, that the extracellular domain can comprise truncated portions of an immunoglobulin chain, line 31, and that the portions can be attached covalently or non-covalently with other proteins, such as the light chain of an immunoglobulin, see lines 15-25.

The claims are supported fully by the disclosure and thus, the objection and rejection can be removed.

V. On page 3 of the Office Action, claim 61 was rejected under 35 USC 112, fourth paragraph. The Examiner maintained that claim 60 does not contemplate a single chain antibody.

It is believed that a single chain antibody is just that, one in which the heavy and light chains, or portions thereof, are joined into a single polypeptide. Thus, it is believed claim 61 properly depended from claim 60. However, for the purposes of facilitating prosecution, claim 61 has been made dependent on the

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base claim. Thus, the rejection can be removed.

VI. At the bottom of page 3 of the Office Action, claims 57-69 were rejected under 35 USC 112, first paragraph.

The rejection is traversed for the following reasons.

The instant specification provides a detailed teaching of how to make and how to use a receptor of interest. As noted in the instant specification, the methods for cloning genes of interest are set forth in the instant application, are exemplified in the instant application and many of the methods are known in the art. The starting materials are known in the art.

The instant specification provides a detailed teaching of how to transfect a cell, how to determine if the receptor is expressed and how to determine if the receptor is functional. The instant specification teaches several species of chimeric receptor of interest.

Applicants and the Examiner identified several publications which teach chimeric receptors that are commensurate in scope with the instant invention. Those receptors were made as taught in the instant specification, tested for expression as taught in the instant specification and tested for function as taught in the instant specification.

The teachings of Letourneur et al., Eshhar et al. and Romeo et al. teach receptors clearly within the scope of the instant invention. Additional references which teach receptors within the scope of the instant invention will be submitted to the Examiner as soon as the proper bibliographic information is obtained for each.

All that is required of a patent application is objective enablement. The instant application satisfies that standard by providing a thoroughly enabling teaching of how to make and how to

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use a receptor of interest. The many examples of chimeric receptors which fall within the scope of the instant invention speak to the enabling disclosure of the instant invention.

Accordingly, withdrawal of the rejection is requested respectfully.

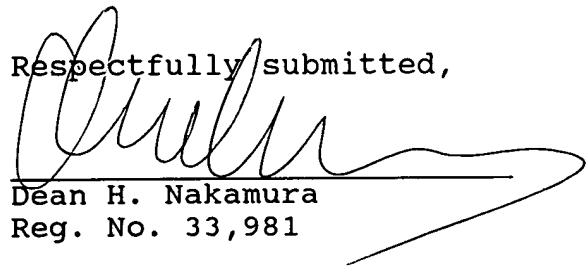
CONCLUSION

Applicants have taken substantial steps to advance prosecution in the case. It is believed the specification and claims are in full compliance with the Patent Statute. In view thereof, favorable consideration is requested respectfully.

On filing the Substitute Declaration and Terminal Disclaimer, it is believed the instant case will be in condition for allowance.

Applicants petition for any extension of time which may be required to maintain pendency of the instant case. Any fees necessary for such extension of time are to be charged to Deposit Account No. 19-4880.

Respectfully submitted,

  
Dean H. Nakamura  
Reg. No. 33,981

SUGHRUE, MION, ZINN,  
MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, D.C. 20037-3202  
(202) 293-7060

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